THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7482 OF 2007

DATED 12.04.2007

BETWEEN
Abdul Wahab and another

… Petitioners

AND

The Chief Commissioner, Land Administration (CCLA), Nampally, Hyderabad and others.

… Respondents

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7482 OF 2007

ORDER:

The petitioners are statedly sons of late Nandiyal Rasool of Kaukuntla

Village, Devarakadra Mandal, Mahaboobnagar District. Nandiyal Rasool was owner of land admeasuring Acs.15.30 guntas in survey No.504. The petitioners allege that their father had obtained tenancy certificate being Certificate No.71 under Section 38-E of A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 for the said land. They also allege that fifth respondent occupied the land when Nandiyal Rasool filed suit for injunction, which was ultimately decreed by the appellate Court, namely, Court of Subordinate Judge, Gadwal, in favour of petitioners' father by Judgment, dated 28.02.1991 in A.S.No.14 of 1985. Fifth respondent produced the injunction decree passed by the Court of Subordinate Judge, Gadwal, before the fourth respondent and obtained regularisation under Section 5-A of A.P.Rights in Land and Pattadar Pass Books Act, 1971 (ROR Act, for brevity). The fourth respondent issued certificate of regularisation in Form XIII (A) and Form XIII (B) in favour of fifth respondent. Pattadar Pass Books (PPBs) and Title Deeds (TDs) were also issued in his favour on 20.09.1994. The petitioners submitted an application before the fourth respondent for issue of PPBs some time in 2000. The application was rejected by the Mandal Revenue Officer (MRO) on 15.07.2000 observing that Nandiyal Rasool has sold the land to fifth respondent and one Masi Reddy under an unregistered document, which was regularized. They were also informed that the protected tenancy certificate cannot be issued to them as there are corrections in the PT register without attestation. The petitioners then approached the Revenue Divisional Officer (RDO) under Section 5(B) of ROR Act and the RDO dismissed the appeal on 07.03.2001 advising the petitioners to file civil suit against the said order. Pursuant thereto, revision petition was filed before the second respondent - Joint Collector, Mahaboobnagar, which was dismissed. Challenging the order of the Joint Collector, present writ petition is filed. The petitioners also prayed for a direction to respondents to issue PPBs in favour of petitioners.

A perusal of the order passed by the original authority, appellate authority and revisional authority would show that Nandiyal Rasool, father of petitioners sold the land to the fifth respondent and another person. They approached the MRO under Section 5-A of the ROR Act and obtained regularization. The regularization order was challenged before the RDO, who dismissed the appeal advising the parties to approach the civil Court as the RDO cannot evict the persons, who obtained regularization orders. The Joint Collector again considered the whole matter in proper perspective and correctly came to the conclusion that RDO/MRO has no jurisdiction to evict fifth respondent from the land and the remedy of the petitioner is to file a civil suit. Though the order was passed by the Office of Chief Commissioner of Land Administration, Hyderabad on 02.07.2005, the petitioners approached this Court with considerable delay without explaining the reasons. If so advised, subject to law of limitation, the petitioners may approach the civil Court.

The writ petition is misconceived and is accordingly dismissed. No

costs.

(V.V.S.RAO,J)

12.04.2007.
pln